

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

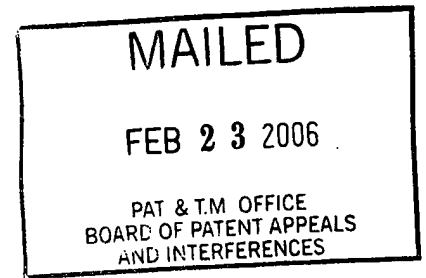
---

Ex parte G. ERIC ENGSTROM

---

Application No. 09/817,837

---



---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences on January 24, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 23, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, page 3, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that a reference to Jenkins US Patent 6 285 983 was applied to the statement of rejection in the Grounds of Rejection section, paragraph (9), of the examiner's

Application No. 09/807,837

answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the Jenkins reference mentioned in the statement of rejection.

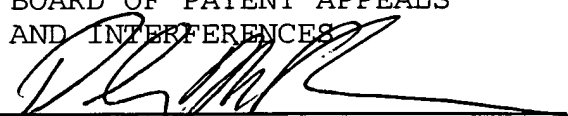
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) vacate the examiner's answer mailed September 23, 2005, and issue a revised Examiner's Answer having the missing reference listed under the Evidence Relied Upon section, paragraph; and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_

  
Dale M. Shaw  
Program and Resource Administrator  
(571) 272-9797

Application No. 09/817,837

cc: Schwabe, Williamson & Wyatt, P.C.  
Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, OR 97204

DMS/tdl